

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of February 8, 2005.

Reconsideration of the Application is requested.

The Office Action

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,473,199 issued to Gilman et al. (Gilman).

Claims 2-15 stand as allowed, having been rewritten in independent form including all of the limitations of the base claim and any Intervening claims as Indicated in the previous Office Action dated July 1, 2004.

Claims 16-22 stand as allowed by the Examiner.

The Art Rejections

Applicants appreciate the Examiner's allowance of claims 2-22. However, although independent claim 10 and dependent claims 11 and 21 were among the claims allowed by the Examiner, the Applicants wish to take this opportunity to make a minor amendment to each of claims 10, 11 and 21 to use more appropriate claim language without materially affecting the recited limitations of the claims. In each of the subject claims, the phrase ", but not limited to" has been amended to read —at least one of—. Applicants respectfully submit that this minor adjustment to the claims does not affect their patentability.

However, with reference to the rejection of independent claim 1 as being unpatentable over Gilman, it is stated in the Office Action that what is not specifically discussed by Gilman is the "patch code containing an identification data for tracking a calibration state." It is also stated that the specific language of a calibration state is not mentioned in the specification, and that the specification does not specifically refer to a tracking of a calibration state. However, the Background of the specification first discusses calibration state on page 1, lines 6-13, where it describes calibration as involving maintaining the printer at a defined state, needing to be performed frequently to compensate for printer drift and bring the device back to its nominal state. In the Summary of the specification on page 2, lines 22-27, it is pointed out that an advantage to having job identification information stored within

the page along with machine readable output from the scanner is that the operator does not have to track which scanner output is associated with a particular printer or target. Therefore, software can be used to track a calibration state without human intervention, thus reducing the potential for errors, and providing increased robustness to the system.

In particular, in an embodiment described with reference to Figure 2 on page 4, lines 31-32, a patch code (30) includes a job ID (40) which is a unique ID used as a key to access a state of a given printer calibration. It is this job ID which uniquely associates the job identification data with the calibration data obtained by scanning targets (62 and 64 in Figure 3) as described on page 3, lines 12-21 and further on page 5, line 34 to page 6, line 3.

For the foregoing reasons, the Applicants respectfully traverse the statements in the Office Action with reference to the language of the specification not mentioning a calibration state and not referring to the tracking of a calibration state.

It is also stated in the Office Action that the scanner referred to in the specification, from Gretag Imaging Corp., is described in the above-mentioned page 3, lines 12-21, as being responsible for using the identification data in a patch code for tracking spectro-photometric values. To the contrary, there is no mention in the specification of the scanner being responsible for performing any tracking operations, only being used to scan for job identification data (page 3, lines 13-14). Further, there is no suggestion in the specification that the scanner understands more than the spectrophotometric values that it normally understands or measures (see page 3, lines 14-16). Rather, as explained in more detail below, it is software that is interpreting the scanned spectrophotometric values as job identification data.

For example, as described in more detail from page 3, line 22 to page 5, line 3, color patches are selected from a set of colors which are readily distinguished from each other on any printer, whether calibrated or not. Eight easily distinguishable colors are used to encode 3 bits of data in an octal numbering system in one embodiment. It is this octal numbering system that facilitates the encoding of job identification data on the same page as the color targets which are used for calibrating the printer. Although, in the described embodiment, the software is implemented in the scanner (page 5, lines 27-30), the software is not necessarily related to the scanner and can be implemented in a system external to the scanner (page 6, lines 1-3). There is no suggestion in the specification that the scanner from

Gretag Imaging Corp. teaches or suggests the novel octal encoding scheme described in the specification, but only that it is a scanner capable of incorporating embodiments of the present application.

Claim 1 has been amended only to clarify the above apparent misunderstanding by expanding on the concept of tracking a calibration state. In particular the subject claim clarifies the tracking a calibration state of the printer by software which uniquely associates the job identification data with calibration data obtained from the color target. As described above, this concept is neither taught nor suggested by the cited reference.

In view of the above, it is respectfully submitted that claim 1, as amended, and all remaining claims are in condition for allowance, claims 2-22 having been allowed by the Examiner in the Office Action, but with only minor clarifying amendments being made to claims 10, 11 and 21.

Claims 1-22 remain in this application.

CONCLUSION

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this After Final Amendment. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

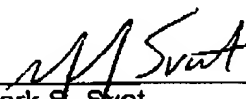
In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

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4/5/05

Date



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